

8-1-03

Vol. 68 No. 148

Friday

August 1, 2003

Pages 45157–45740

1



The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see http://www.nara.gov/fedreg.

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the Federal Register shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** www.access.gpo.gov/nara, available through GPO Access, is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

For more information about GPO Access, contact the GPO Access User Support Team, call toll free 1-888-293-6498; DC area 202-512-1530; fax at 202-512-1262; or via email at <code>gpoaccess@gpo.gov</code>. The Support Team is available between 7:00 a.m. and 5:30 p.m. Eastern Time, Monday–Friday, except official holidays.

The annual subscription price for the Federal Register paper edition is \$699, or \$764 for a combined Federal Register, Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the Federal Register including the Federal Register Index and LSA is \$264. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is \$10.00 for each issue, or \$10.00 for each group of pages as actually bound; or \$2.00 for each issue in microfiche form. All prices include regular domestic postage and handling. International customers please add 40% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, bookstore@gpo.gov.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 68 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Printing Office, Washington DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche 202–512–1800
Assistance with public subscriptions 202–512–1806

General online information 202–512–1530; 1–888–293–6498

Single copies/back copies:

Paper or fiche
Assistance with public single copies
202–512–1800
1–866–512–1800
(Toll-Free)

FEDERAL AGENCIES

Subscriptions:

Paper or fiche 202–741–6005 Assistance with Federal agency subscriptions 202–741–6005

What's NEW!

Federal Register Table of Contents via e-mail

Subscribe to FEDREGTOC, to receive the **Federal Register** Table of Contents in your e-mail every day.

If you get the HTML version, you can click directly to any document in the issue.

To subscribe, go to http://listserv.access.gpo.gov and select:

Online mailing list archives FEDREGTOC-L Ioin or leave the list

Then follow the instructions.



Contents

Federal Register

Vol. 68, No. 148

Friday, August 1, 2003

Agriculture Department

See Commodity Credit Corporation

See Forest Service

See Rural Business-Cooperative Service

See Rural Utilities Service

NOTICES

Agency information collection activities; proposals, submissions, and approvals, 45211–45213

Blind or Severely Disabled, Committee for Purchase From People Who Are

See Committee for Purchase From People Who Are Blind or Severely Disabled

Centers for Disease Control and Prevention NOTICES

Agency information collection activities; proposals, submissions, and approvals, 45242–45245

Centers for Medicare & Medicaid Services

RULES

Medicare:

Hospital inpatient prospective payment systems and 2004 FY rates, 45345–45672

Medicare and Medicaid:

Hospital inpatient rehabilitative facilities prospective payment system and 2004 FY rates, 45673–45728

Coast Guard

RULES

Ports and waterways safety:

Chesapeake Bay, MD—

Chesapeake Bay and tributaries; safety and security zones, 45164–45165

Cove Point Liquefied Natural Gas Terminal; safety and security zone, 45165–45167

PROPOSED RULES

Anchorage regulations:

Florida, 45190-45192

NOTICES

Meetings:

Great Lakes Pilotage Advisory Committee, 45264–45265

Commerce Department

 $See \ International \ Trade \ Administration$

See National Oceanic and Atmospheric Administration

Committee for Purchase From People Who Are Blind or Severely Disabled

PROPOSED RULES

Nonprofit agencies; annual certifications; due dates, 45195–45196

NOTICES

Procurement list; additions and deletions, 45217-45218

Commodity Credit Corporation

NOTICES

Agency information collection activities; proposals, submissions, and approvals, 45213

Comptroller of the Currency

NOTICES

Reports and guidance documents; availability, etc.: Agency Strategic Plan (2003-2008 FY), 45313–45314

Defense Department

NOTICES

Agency information collection activities; proposals, submissions, and approvals, 45223

Meetings:

Capabilities for Domestic Response to Terrorist Attacks Involving Weapons of Mass Destruction Advisory Panel, 45223–45224

Strategic Environmental Research and Development Program Scientific Advisory Board, 45224

Travel per diem rates, civilian personnel; changes, 45224–45229

Drug Enforcement Administration

NOTICES

Applications, hearings, determinations, etc.: Meredith, George Minor, II, M.D., 45280–45281

Education Department

NOTICES

Grants and cooperative agreements; availability, etc.: Postsecondary education—

Jacob K. Javits Fellowship Program, 45229–45230 Special education and rehabilitative services—

Children with Disabilities Technical Assistance and Dissemination to Improve Services and Results Program, 45230

Meetings:

Foreign Medical Education and Accreditation National Committee, 45230–45231

Employment Standards Administration NOTICES

Minimum wages for Federal and federally-assisted construction; general wage determination decisions, 45281–45282

Energy Department

See Federal Energy Regulatory Commission NOTICES

Meetings:

Environmental Management Site-Specific Advisory Board—

Paducah Gaseous Diffusion Plant, KY, 45231

Environmental Protection Agency

RULES

Air pollution control:

Federal operating permits program—

California agricultural sources; application deadline extension, 45167–45168

PROPOSED RULES

Hazardous waste program authorizations:

Idaho, 45192–45195

NOTICES

Environmental statements; availability, etc.:

Agency statements—

Comment availability, 45238-45239

Weekly receipts, 45237-45238

Meetings:

Science Advisory Board, 45239-45240

Executive Office of the President

See Presidential Documents

See Trade Representative, Office of United States

Federal Aviation Administration

PROPOSED RULES

Airworthiness directives:

Cessna, 45176-45177

Federal Energy Regulatory Commission NOTICES

Agency information collection activities; proposals, submissions, and approvals, 45231-45232

Hydroelectric applications, 45236-45237

Reports and guidance documents; availability, etc.:

Public utility market-based rate authorizations; terms and conditions investigation, 45237

Applications, hearings, determinations, etc.:

ACN Utility Services, Inc., 45232–45233

D.E. Shaw Plasma Trading, L.L.C., et al., 45233

Garden Banks Gas Pipeline, LLC, et al., 45233 Gulfstream Natural Gas System, L.C.C., 45234

Moraine Wind LLC, 45234

PJM Interconnection, L.L.C., 45234

Rayo Energy LLP, 45235

Tennessee Gas Pipeline Co., 45235-45236

Texas Eastern Transmission, LP, 45236

Federal Housing Finance Board

NOTICES

Meetings; Sunshine Act, 45240

Federal Reserve System

NOTICES

Banks and bank holding companies:

Change in bank control, 45241

Formations, acquisitions, and mergers, 45241

Fish and Wildlife Service

NOTICES

Endangered and threatened species:

Delta smelt; 5-year review, 45270-45271

Endangered and threatened species permit applications, 45269-45270

Food and Drug Administration

NOTICES

Human drugs:

Patent extension; regulatory review period

determinations-

SPECTRACEF, 45245-45246

Medical device user fee rates, 45246-45249

Prescription drug user fee rates, 45249-45252

Reports and guidance documents; availability, etc.:

180-day exclusivity when multiple abbreviated new drug applications are submitted on same day, 45252-45256

Medical devices-

Implantable middle ear hearing device, 45256-45257 Mercury compounds in drugs and foods; list, 45257

Forest Service

NOTICES

Meetings:

Intergovernmental Advisory Committee, 45213-45214

Reports and guidance documents; availability, etc.: Forest Legacy Program Implementation Guidelines,

45214-45215

Health and Human Services Department

See Centers for Disease Control and Prevention

See Centers for Medicare & Medicaid Services

See Food and Drug Administration

See National Institutes of Health

See Substance Abuse and Mental Health Services Administration

NOTICES

Meetings:

HIV/AIDS Presidential Advisory Council, 45241–45242

Homeland Security Department

See Coast Guard

See Transportation Security Administration

Housing and Urban Development Department

Public and Indian housing:

Public Housing Capital Fund Program funds; obligation and expenditure, 45729-45731

PROPOSED RULES

Public and Indian housing:

Over-income families; public housing agencies discretion in treatment, 45733-45735

Grants and cooperative agreements; availability, etc.:

Facilities to assist homeless-

Excess and surplus Federal property, 45317-45343

Interior Department

See Fish and Wildlife Service

See Land Management Bureau

See National Park Service

See Surface Mining Reclamation and Enforcement Office PROPOSED RULES

Watches, watch movements, and jewelry:

Duty-exemption allocations-

Virgin Islands, Guam, American Samoa, and Northern Mariana Islands, 45177-45180

Internal Revenue Service

NOTICES

Magnetic tape processing for Forms 940 and 941; discontinuance, 45314

International Trade Administration

PROPOSED RULES

Watches, watch movements, and jewelry:

Duty-exemption allocations-

Virgin Islands, Guam, American Samoa, and Northern Mariana Islands, 45177–45180

NOTICES

Antidumping and countervailing duties:

Administrative review requests, 45218-45219

Five-year (sunset) reviews-

Initiation of reviews, 45219-45220

International Trade Commission

NOTICES

Agency information collection activities; proposals, submissions, and approvals, 45276

Import investigations:

Crawfish tail meat from—

China, 45276

Screen printing machines, vision alignment devices, and component parts, 45276–45277

Stainless steel wire rod from—

Various countries, 45277-45279

Tool holders, tool sets, and components, 45279-45280

Justice Department

See Drug Enforcement Administration NOTICES

Pollution control; consent judgments: BNZ Materials, Inc., et al., 45280

Labor Department

See Employment Standards Administration

Land Management Bureau

NOTICES

Environmental statements; availability, etc.:

Caribou County, ID; North Rasmussen Ridge phosphate mine, 45271–45272

Timbered Rock Fire Salvage and Elk Creek Watershed Restoration, OR, 45272–45273

Meetings:

Resource Advisory Councils—

Northwest California, Northeast California, Central California, and California Desert District, 45273– 45274

Legal Services Corporation

NOTICES

Meetings; Sunshine Act, 45282

National Aeronautics and Space Administration RULES

Acquisition regulations:

Miscellaneous amendments, 45168–45169

National Highway Traffic Safety Administration NOTICES

Motor vehicle defect proceedings; petitions, etc.: Welch, Jon; petition denied, 45308–45309

Motor vehicle safety standards:

Nonconforming vehicles—

Importation eligibility; determinations, 45309-45311

National Institutes of Health

NOTICES

Agency information collection activities; proposals, submissions, and approvals, 45257–45258 Meetings:

National Heart, Lung, and Blood Institute, 45258 National Institute on Aging, 45258–45259 Scientific Review Center, 45259–45261

National Oceanic and Atmospheric Administration RULES

Fishery conservation and management:

Alaska; fisheries of Exclusive Economic Zone— Northern rockfish, 45170–45171

Atlantic highly migratory species-

Vessel monitoring systems, 45169–45170

Space-based data collection systems; policies and procedures, 45160–45164

PROPOSED RULES

Fishery conservation and management:

Atlantic highly migratory species—

Atlantic tunas, swordfish, and sharks, 45196–45210

NOTICES

Environmental statements; availability, etc.:

Incidental take permits—

Humboldt County, CA; Humboldt Bay Municipal Water District habitat conservation plan, 45220–45222

Fishery conservation and management:

Northeastern United States fisheries—

Vessel monitoring systems; pilot program, 45222 Permits:

Endangered and threatened species, 45222-45223

National Park Service

NOTICES

Native American human remains and associated funerary objects:

Peabody Museum of Archaeology and Ethnology, Harvard University, MA —

Inventory from Middlesex and Worcester Counties, MA, 45274–45275

Nuclear Regulatory Commission

PROPOSED RULES

Byproduct material; domestic licensing:

Portable gauges; security requirements, 45172–45176

Regulatory guides; issuance, availability, and withdrawal, 45282–45283

Office of United States Trade Representative

See Trade Representative, Office of United States

Postal Service

PROPOSED RULES

Domestic Mail Manual:

Bulk Bound Printed Matter; mailer requirements of entry; destination delivery unit rate, 45192

Presidential Documents

ADMINISTRATIVE ORDERS

Iraq; continuation of national emergency (Notice of July 31, 2003), 45737–45739

Railroad Retirement Board

RULES

Railroad Retirement Act:

Retirement age

Correction, 45315

Rural Business-Cooperative Service

NOTICES

Grants and cooperative agreements; availability, etc.: Agriculture Innovation Center Demonstration Program, 45215–45216

Rural Utilities Service

RULES

Environmental policies and procedures, 45157-45160

Securities and Exchange Commission NOTICES

Investment Company Act of 1940:

Exemption applications—

JF International Management Inc. et al., 45283–45284 Self-regulatory organizations; proposed rule changes:

Boston Stock Exchange, Inc., 45284-45298

International Securities Exchange, Inc., 45298–45299 National Association of Securities Dealers, Inc., 45299–

45300

Small Business Administration

NOTICES

Disaster loan areas:

Minnesota, 45300-45301

Social Security Administration PROPOSED RULES

Social security benefits and supplemental security income: Vocational rehabilitation services, employment services, or other support services programs; benefit payments to participating individuals, 45180–45190

NOTICES

Agency information collection activities; proposals, submissions, and approvals, 45301–45302

State Department

NOTICES

Grants and cooperative agreements; availability, etc.: Middle East Partnership Initiative, 45302–45304

Substance Abuse and Mental Health Services Administration

NOTICES

Agency information collection activities; proposals, submissions, and approvals, 45261–45262
Federal agency urine drug testing; certified laboratories meeting minimum standards, list, 45262–45264
Organization, functions, and authority delegations:
Prevention, Traumatic Stress and Special Programs
Division, 45264

Surface Mining Reclamation and Enforcement Office NOTICES

Agency information collection activities; proposals, submissions, and approvals, 45275–45276

Surface Transportation Board NOTICES

Railroad services abandonment: CSX Transportation Board, 45311 Indiana Rail Road Co., 45311–45312 Union Pacific Railroad Co., 45312–45313

Trade Representative, Office of United States NOTICES

World Trade Organization:

Dispute settlement panel establishment requests—
Antigua and Barbuda; cross-border provision of
gambling and betting services, 45306–45307
Brazil; U.S. subsidies to upland cotton, 45307–45308
Canada; wheat exports and imported grain treatment,
45304–45306

Transportation Department

See Federal Aviation Administration See National Highway Traffic Safety Administration See Surface Transportation Board

Transportation Security Administration NOTICES

Privacy Act:

Systems of records, 45265-45269

Treasury Department

See Comptroller of the Currency See Internal Revenue Service NOTICES

Agency information collection activities; proposals, submissions, and approvals, 45313

Separate Parts In This Issue

Part II

Housing and Urban Development Department, 45317-45343

Part III

Health and Human Services Department, Centers for Medicare & Medicaid Services, 45345–45672

Part IV

Health and Human Services Department, Centers for Medicare & Medicaid Services, 45673–45728

Part V

Housing and Urban Development Department, 45729-45731

Part V

Housing and Urban Development Department, 45733-45735

Part VII

Executive Office of the President, Presidential Documents, 45737–45739

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to http://listserv.access.gpo.gov and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR Executive Orders: 12722 (See: Notice of July 31, 2003)
Proposed Rules: 39 (2 documents)45176, 45177
15 CFR 91145160
Proposed Rules: 303 (2 documents)45177 20 CFR
21845315 22545315
Proposed Rules: 404
24 CFR 90545730 Proposed Rules:
96045734 33 CFR
165 (2 documents)45164, 45165 Proposed Rules:
11045190 39 CFR
Proposed Rules: 11145192
40 CFR 7145167 Proposed Rules:
27145192 41 CFR
Proposed Rules: 51-3
412 (2 documents)45346, 45674 41345346
48 CFR 1806 .45168 1807 .45168 1811 .45168 1814 .45168 1815 .45168 1817 .45168 1819 .45168 1825 .45168 1827 .45168 1844 .45168 1852 .45168 1872 .45168 50 CFR 635 .45169

679	45170
Proposed Rules:	
600	45196
635	45196